

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YVETTE WILLIAMS,

Plaintiff,

-against-

ST. VINCENT'S HOSPITAL,

Defendant.

ECF FILING

COMPLAINT
PLAINTIFF DEMANDS
A JURY TRIAL

06 CIV. 3920
ROBINSON

Plaintiff, YVETTE WILLIAMS, by her attorneys, GOODSTEIN & WEST, complaining of defendant, alleges as follows:

1. This is an action for injunctive relief, compensatory and punitive damages on behalf of plaintiff. This suit is authorized pursuant to the Age Discrimination in Employment Act (29 U.S.C. §621 et. seq.), and the New York Human Rights Law (N.Y.S. Executive Law §296). Jurisdiction of this Court is invoked pursuant to 29 U.S.C. §255 and under the principle of pendent jurisdiction. Jurisdiction of this Court is invoked to secure protection of and redress deprivation of rights secured by 29 U.S.C. §621 et. seq., and the New York State Executive Law §290 et. seq. (Human Rights Law), providing for equitable and legal relief against age discrimination in employment.

2. Plaintiff, YVETTE WILLIAMS, is a female residing in New Rochelle, New York. Plaintiff, YVETTE WILLIAMS, is fifty (50) years of age and was born on January 21, 1956.

3. Defendant, ST. VINCENT'S HOSPITAL(hereinafter "HOSPITAL"), is a corporation doing business in New York State with offices located at 275 North Main Street, Harrison, New York 10528. Defendant is an employer subject to the Age Discrimination in Employment Act (29

U.S.C. §621 et. seq.). Upon information and belief, defendant has employed twenty (20) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year. Defendant is also an employer as defined by Human Rights Law (N.Y.S. Executive Law §290 et. seq.).

FACTS

4. On or about February 7, 2006, plaintiff filed a charge with the Equal Employment Opportunity Commission, and received a Notice of Right to Sue, dated May 11, 2006. This Complaint is filed within ninety (90) days of said receipt of the Notice of Right to Sue. (A copy of the charge is annexed hereto as **Exhibit 1**; a copy of the Notice of Right to Sue is annexed as **Exhibit 2**. Please see the charge for the facts giving rise to this cause of action.)

5. Defendant acted with malice and/or reckless indifference to plaintiff's rights.

6. Defendant's actions were willful violations of the Age Discrimination and Human Rights Laws prohibiting discrimination in employment.

AS AND FOR A FIRST CAUSE OF ACTION

7. By not hiring plaintiff for her position because of her age, defendant has violated the ADEA (29 U.S.C. §621 et. seq.) and committed an unlawful discriminatory practice as related to employment.

AS AND FOR PLAINTIFF'S PENDENT STATE CAUSE OF ACTION

8. Defendant, HOSPITAL, is an employer as that term is defined by the New York State Human Rights Law.

9. Plaintiff was discriminated against by defendant when defendant failed to hire her because of her age in violation of the New York Human Rights Law (Executive Law §290 et. seq.).

10. Plaintiff demands a jury trial on all claims.

WHEREFORE, plaintiff demands judgment against defendant as follows:

On plaintiff's ADEA Cause of Actions:

- (A) A mandatory injunction awarding plaintiff back pay, front pay and benefits from January 18, 2006;
- (B) reasonable attorney's fees; and
- (C) liquidated damages equal to the amount of back pay;
- (D) together with such other costs and disbursements of this action.

On plaintiff's Pendent State Claim:

- (A) Damages of \$250,000;
- (B) together with applicable interest and such other and further relief as to the Court seems just and proper.

DATED: New Rochelle, New York
May 22, 2006

Yours, etc.

GOODSTEIN & WEST

BY: 

ROBERT DAVID GOODSTEIN (RDG5443)

Attorneys for Plaintiff

YVETTE WILLIAMS

56 Harrison Street, Suite 401

New Rochelle, New York 10801

(914)632-8382

STATE DIVISION OF HUMAN RIGHTS
STATE OF NEW YORK : EXECUTIVE DEPARTMENT

STATE DIVISION OF HUMAN RIGHTS
on the Complaint of

YVETTE WILLIAMS

Complainant

v.

ST. VINCENT'S HOSPITAL

Respondent

VERIFIED COMPLAINT
Pursuant to Executive
Law, Article 15

Case No.
10110183

Federal Charge No. 16GA601735

I, Yvette Williams, residing at 720 Pelham Road, Apt. 5E, New Rochelle, NY, 10805, charge the above named respondent, whose address is 275 North Street, Harrison, NY, 10549 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of AGE.

Date most recent or continuing discrimination took place is 1/18/2006.

The particulars are:

1. (SEE ATTACHED COMPLAINT RECEIVED FROM THE COMPLAINANT'S ATTORNEY, TOM EAST, ESQ.).

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of , in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondent with violating the Age Discrimination in Employment Act (ADEA) as amended (covers ages 40 years of age or older in employment). I hereby authorize SDHR to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

EXHIBIT 1

State Division of Human Rights on the Complaint of

YVETTE WILLIAMS

COMPLAINANT

-against-

ST. VINCENT HOSPITAL RESPONDENT

SDHR #

10110183

EEOC #

166A6-01733

RECEIVED

FEB - 7 2006

I, Yvette Williams, residing at 720 Pelham Road, Apt. 5e, New Rochelle, N.Y. 10805 Telephone No. (914) 632-4829 charge the above-named respondents whose address is 275 North Street, Harrison, N.Y. 10549 Telephone No. (914) 967-6500 with an unlawful discriminatory practice relating to Employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of Age.

Date of most recent or continuing discrimination was January 18, 2006

The particulars are:

1. On January 5, 2006, I was called for an interview for the position of Ward Clerk respondent hospital. After filling out an application that included background information including my date of birth, I was interviewed by respondent's Ward Clerk Supervisor Leonard White, who informed me that he had reviewed my resume, liked everything about me including my professional look, and stated that I was hired.
2. Mr. White informed me that my start date was February 6, 2006 and then proceeded to give me a tour of respondent's facilities and introducing me to the staff. Mr. White indicated to me at the end of the tour that he would inform Human Resources that the interview went well and then as we proceeded to exit via the elevator, he asked me how old did I think he looked. I did not respond and Mr. White then stated that his birthday was the following week on January 15 and that he would be 45 years old.
3. As we were still waiting for the elevator, Mr. White then asked me how old I was. I said I'd rather not say and he responded "come on, you can tell me." I replied that "I never tell my age" and then tried to change the subject of my age by remarking that my birthday was also in January. As we entered the elevator, Mr. White continued on the subject of birthdays and even brought another worker,

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into the conversation. As I left respondent hospital, Mr. White instructed me to follow-up with Human Resources to complete the application process.

4. I continued to contact respondent's Human Resources Department to provide any additional information needed as well to obtain status updates on the hiring process. On January 18, 2006, I contacted Rosemarie, respondent's HR director, who informed me that Mr. White had chose another candidate for the Ward Clerk position because he want someone younger.
5. Respondent denied me employment at their facility on account of the fact that I am fifty years of age, in violation of Executive Law §296. 1(a).

"I have not commenced any other civil or criminal action, nor do I have an action pending before any administrative agency under any other law of this state based upon this same discriminatory practice."

STATE OF NEW YORK
COUNTY OF Westchester

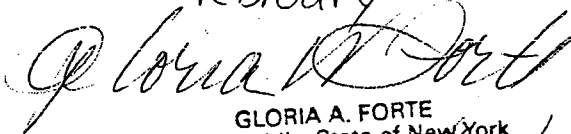
SS:


(Signature of Complainant)

Yvette Williams, being duly sworn, deposes and says: that she is the complainant herein; that she has read the foregoing complaint and knows the content thereof; that the same is true of her own knowledge.

Subscribed and sworn to me this
6th day of ~~January~~ 2006

February



GLORIA A. FORTE
Notary Public, State of New York
License #01FO4779270
Qualified in Westchester County
My Commission Expires: 2/20/2007

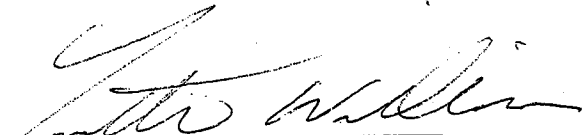

(Signature of Complainant)

EXHIBIT 2

EEOC Form 161 (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Yvette Williams
720 Pelham Road, Apt. 5e
New Rochelle, NY 10805

From: New York District Office - 520
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2006-01735

Holly M. Woodyard,
Investigator

(212) 336-3643

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

Charging Party to Pursue Matter in Federal Court.

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

Spencer H. Lewis, Jr.
Director

5/11/06

(Date Mailed)

cc: ST. VINCENT'S HOSPITAL
275 North Street
Harrison, NY 10549
Att: Human Resource Director